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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,572	02/27/2002	Kotaro Endo	04329.2745	5894

7590 03/24/2005
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/083,572		ENDO, KOTARO	
	Examiner		Art Unit	
		John F Gianola	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020227</u> . | 6) <input type="checkbox"/> Other: _____ |

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Specification

1. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: "...jobs have been widely smartened accordingly," "...multiplexing of execution of deterministic programs musing ordered multicast is known," "rendezvous of completion of input delivery is not fixed at a specific computer," "...each computer delivers an input located at the head position of the input reception queue to all other computers," "a computer with an empty input reception queue delivers the 'input candidate' obtained first by another computer as the first step to all other computer as its own 'input candidate.'"
2. Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.
3. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).
4. A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Claim Rejections - 35 USC § 112

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

8. Of particular note are the clauses in claims 1 and 6 of "...a first input candidate selection control device [step] configured to check, when said input candidate collection device [step] has corrected not less than (n-f) input data, if the not less than (n-f) input data having identical contents, and settle, when the not less than (n-f) input data include not less than (n-f) input data having identical contents, that input data as next data to be processed," the incongruence of the verb structure in the phrase "a second input candidate selection control device [step] configured to check, when..., if the collected data include input data..., select, when..., and make..."

9. Also note three clauses of Claims 3 and 8 "...a journal device [step] configured to hold data settled by said first input candidate selection control device [step];" and "...a

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first input candidate adjustment control device [step] configured to send, when another computer collects input data of a step that has already been settled in the self computer, input data held in said journal device [step] as settled input data;" and "...a second input candidate adjustment control device [step] configured to settle, when settled input data is sent from another computer upon collecting input data by said input candidate collection device [step], that input data as next data to be processed."

10. Additionally note the definitions in Claims 4 and 9 of "...a state holding device [step] configured to hold immediately preceding states in steps already settled in the self computer in correspondence with a predetermined number of steps;" and "...a skip device [step] configured to acquire, when a sum of the number of collected input data and the number of messages which are sent from other computers and indicate that settled input data is not held in said journal device [step] is not less than $(n-f)$, and the number of collected input data is less than $(n-f)$ upon collecting input data by said input candidate collection device [step], an immediately preceding state in the latest settled step in another computer, in which the settled step has most advanced among all other computers, via said state exchange device [step], and copy the acquired state to the self computer."

11. Finally, please note the definition in Claims 5 and 10 of "...a second input data generation device [step] to store a system of time of the self computer and generate

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second input data for giving a comparison timing between the system time and the virtual time counted by said counter....”

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Li (US PGP. No. 2001/0037472 A1); Gloyne et. al. (US Pat. No. 4,794,596), “Failsafe System for multiplex data transmission network – outputs failsafe data from memory of each slave station” (Japan Pub. No. JP 03206000 A); and “Information transfer system for multiplex communication network includes detecting circuits which determines clock failure in transmission lines based on which transmission data is selected” (Japan Pub. No. JP 200165365 A).

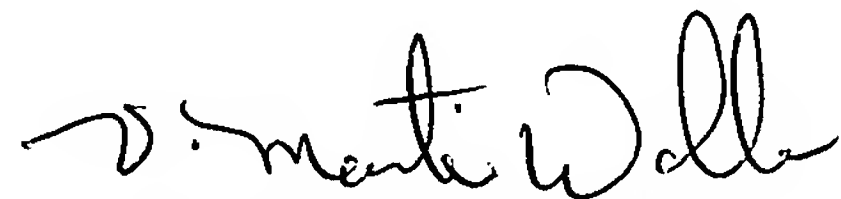
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F Gianola whose telephone number is (571)272-3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached at (571)272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfg



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